

# Sales Figures Must be Defined

- Gross sales figures do not show commercial success absent evidence as to market share.

## Additional ways of overcoming a prima facie case of obviousness

- Establish evidence of a long-felt but unsolved need
- Showing failure of others

## 35 U.S.C. 112, first paragraph, type considerations:

- To establish the sufficiency of the applicant's disclosure with respect to enablement.
- To establish inherency.
- To establish operativeness of the applicant's disclosed invention.
- To establish utility.
- To establish what is conveyed by the specification to one skilled in the art (description requirement satisfaction)